REMARKS/ARGUMENTS

At the time of the Office Action dated January 15, 2009 (hereinafter, "Office Action"), claims 1-63 were pending in the present application. In the Office Action, claims 1-63 were rejected under 35 U.S.C. § 102(e). Applicant respectfully responds to the Office Action.

I.   Claims 1-63 were rejected under 35 U.S.C. § 102(e)

Claims 1-63 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Pub. No. US 2004/0057530 (hereinafter, "Tarokh").

Claims 1, 23, 28, 31, 46, 57 and 61

The Office Action rejected claims 1, 23, 28, 31, 46, 57 and 61 claiming that the features were found in fig. 2, and fig. 13, and paragraphs 0025, 0053, 0057, 0058 - 0062 & 0064 – 0067, 0078, 0080, 0085-0086, 0088 and 0103-0104 of Tarokh. Applicant respectfully disagrees with the Office Action.

Tarokh does not disclose "terminating transmission of the first plurality of symbol blocks early if the first data packet is recovered by the receiver with fewer than all of the first plurality of symbol blocks; and terminating transmission of the second plurality of symbol blocks early if the second data packet is recovered by the receiver with fewer than all of the second plurality of symbol blocks" as disclosed in claims 1, 23 and 28. Instead, it discloses retransmitting symbols not decoded properly. See paragraph [0068] of Tarokh, "[when] symbols s_1 and s_2 are not decoded properly, a retransmission request is provided to the transmitter, which causes the STC encoder 60 to retransmit symbols s_1 and s_2 in a reordered fashion . . . "

Also, Tarokh does not disclose "terminating the receiving, decoding, and determining for the first data packet if the first data packet is recovered or if all of the first plurality of symbol blocks have been received . . . and; terminating the receiving, decoding, and determining for the second data packet if the second decoded packet is recovered or if all of the second plurality of symbol blocks have been received" as disclosed in claims 31, and 61.

Also, Tarokh does not disclose "terminating the obtaining, decoding, and determining for the data packet transmitted on the selected parallel channel, if the first data packet is recovered or

if all of the multiple symbol blocks have been obtained for the data packet" as disclosed in claim 46.

Also, Tarokh does not disclose "terminate processing by the data processor for the first data packet if the first data packet is recovered or if all of the first plurality of symbol blocks have been received . . . and; terminate processing by the data processor for the second data packet if the second decoded packet is recovered or if all of the second plurality of symbol blocks have been received" as disclosed in claim 57.

In view of the foregoing, Applicant submits that claims 1, 23, 28, 31, 46, 57 and 61 are patentable over Tarokh. Accordingly, Applicant requests that the rejection of claims 1, 23, 28, 31, 46, 57 and 61 be withdrawn because Tarokh does not disclose all of the features of these claims.

Claims 3 and 24

The Office Action rejected claims 3 and 24 claiming that the features were found in column 5, paragraphs 0055, 0057 and 0060 of Tarokh. Applicant respectfully disagrees with the Office Action. Although paragraph 0057 discloses "[t]he mobile terminal 16 . . . may use the pilot signals for channel estimation" and paragraph 0060 discloses "[t]he channel estimates provide sufficient channel response information to allow the STC decoder 88 to decode the symbols according to the STC encoding used by the base station 14," it does not disclose

"estimate throughput for the first and second parallel channels with no transmission on the first parallel channel until the second data packet is recovered;

estimate throughput for the first and second parallel channels with transmission of a new data packet on the first parallel channel after the first data packet; and

initiate transmission of the new data packet on the first parallel channel if the throughput with transmission on the first parallel channel is greater than the throughput with no transmission on the first parallel channel."

This feature allows the transmitter to select the transmission option based on a metric that compares throughputs with and without packet transmission on parallel channel x after the early

termination, thereby optimizing throughput. See paragraph [0014] of the present patent application. Comparing estimated throughput for the first and second parallel channels with no transmission on the first parallel channel and with transmission of a new data packet on the first parallel channel is not disclosed by Tarokh. Also, claim 3 depends on patentable claim 1 and claim 24 depends on patentable claim 23. Therefore, claims 3 and 24 are patentable for the reasons given with respect to claims 1 and 23 respectively.

In view of the foregoing, Applicants submit that claims 3 and 24 are patentable over Tarokh. Accordingly, Applicant requests that the rejection of claims 3 and 24 be withdrawn because Tarokh does not disclose all of the features of these claims.

Claim 25

Claim 25 depends on patentable claim 23. Therefore, claim 23 is patentable for the reasons given with respect to claim 23 respectively. In view of the foregoing, Applicants submit that claim 23 is patentable over Tarokh. Accordingly, Applicant request that the rejection of claim 23 be withdrawn because Tarokh does not disclose all of the features of this claim.

Claim 26

Claim 26 depends on patentable claim 23. Therefore, claim 26 is patentable for the reasons given with respect to claim 23 respectively. In view of the foregoing, Applicants submit that claim 26 is patentable over Tarokh. Accordingly, Applicant request that the rejection of claim 26 be withdrawn because Tarokh does not disclose all of the features of this claim.

Claim 27

Claim 27 depends on patentable claim 23. Therefore, claim 23 is patentable for the reasons given with respect to claim 23 respectively. In view of the foregoing, Applicants submit that claim 27 is patentable over Tarokh. Accordingly, Applicant request that the rejection of claim 27 be withdrawn because Tarokh does not disclose all of the features of this claim.

Claims 29-30

Claims 29-30 depend on patentable claim 28. Therefore, claims 29 – 30 are patentable for the reasons given with respect to claim 28 respectively. In view of the foregoing, Applicants submit that claims 29-30 are patentable over Tarokh. Accordingly, Applicant request that the rejection of claims 29-30 be withdrawn because Tarokh does not disclose all of the features of these claims.

Claims 42 – 43

The Office Action states that Tarokh anticipates claims 42-43. Applicant respectfully disagrees. Column 8, paragraph 0085 – 0087 of Tarokh does not disclose "estimating interference due to the second data packet on the third data packet; and canceling the interference due to the second data packet from the symbol blocks received for the third data packet, and wherein all symbol blocks received for the third data packet, with the interference from the second data packet canceled, are decoded to obtain the third decoded packet" as disclosed in claim 43. Also, column 8, paragraph 0085 – 0087 of Tarokh does not disclose "wherein the third data packet is expected to be recovered after a time instant when the second data packet is expected to be recovered" as disclosed in claim 42. Also, claim 43 depends on allowable claim 37 which depends on allowable claim 31. Claim 42 depends on allowable claim 39 which depends on allowable claim 37 which depends on allowable claim 31. Therefore, claims 42-43 are patentable for the reasons given with respect to claim 31. In view of the foregoing, Applicants submit that claims 42-43 are patentable over Tarokh. Accordingly, Applicant requests that the rejection of claims 42 and 43 be withdrawn because Tarokh does not disclose all of the features of these claims.

Claim 34

Claim 34 depends on patentable claim 33 which depends on patentable claim 31. Therefore, claim 34 is patentable for the reasons given with respect to claim 31 respectively. In view of the foregoing, Applicants submit that claim 34 is patentable over Tarokh. Accordingly, Applicant request that the rejection of claim 34 be withdrawn because Tarokh does not disclose all of the features of this claim.

Claim 36

The Office Action states that Tarokh anticipates claim 36. Applicant respectfully disagrees. Tarokh does not disclose "wherein the first data packet is designated to be recovered before the second data packet ..." In fact, the Office Action does not provide a cite to where in Tarokh this feature is found. Also, claim 36 depends on patentable claim 31. Therefore, claim 36 is patentable for the reasons given with respect to claim 31. Accordingly, Applicant requests that the rejection of claim 36 be withdrawn because Tarokh does not disclose all of the features of this claim.

Claims 37 and 63

The Office Action states that Tarokh anticipates claims 37 and 63. Applicant respectfully disagrees. Tarokh does not disclose "estimating interference due to the first data packet on the second data packet; and canceling the interference due to the first data packet from the symbol blocks received for the second data packet, and wherein all symbol blocks received for the second data packet, with the interference from the first data packet canceled, are decoded to obtain the second decoded packet" as disclosed in claims 37 and 63. In fact, the Office Action does not provide a cite to where in Tarokh this feature is found. Also, claim 37 depends on patentable claim 31. Therefore, claim 36 is patentable for the reasons given with respect to claim 31. Claim 63 depends on patentable claim 61. Therefore, claim 63 is patentable for the reasons given with respect to claim 61.

It is not clear what the Office Action means when it states "claim 37 teaches the same limitation as disclosed above, therefore respectively rejected under the same basis" because the term "interference" is not disclosed in independent claim 36. Accordingly, Applicants request that the rejection of claims 37 and 63 be withdrawn because Tarokh does not disclose all of the features of these claims.

Claims 38 and 39 - 40

The Office Action states that Tarokh anticipates claims 38 and 39-40 and cites paragraphs 0055, 0057 and 0060. Applicant respectfully disagrees. Paragraphs 0055, 0057 and 0060 of

Tarokh do not disclose "estimating interference due to the third data packet on the second data packet; and canceling the interference due to the third data packet from the symbol blocks received for the second data packet, with the interference from the first and third data packets canceled, are decoded to obtain the second decoded packet" as disclosed in claim 40. Also, paragraphs 0055, 0057 and 0060 of Tarokh do not disclose "wherein the first data packet is recovered before the second data packet and a new data packet is not transmitted on the first parallel channel until the second data packet is recovered" as disclosed in claim 38. Claim 39 depends on patentable claim 37. Therefore, claim 39 is patentable for the reasons given with respect to claim 37. Also, claim 40 depends on patentable claim 39 which depends on patentable claim 37 which depends on patentable claim 31. Therefore, claim 40 is patentable for the reasons given with respect to claim 31. Also, Also, claim 38 depends on patentable claim 31. Therefore, claim 38 is patentable for the reasons given with respect to claim 31. Accordingly, Applicants request that the rejection of claims 38, 39 and 40 be withdrawn because Tarokh does not disclose all of the features of these claims.

Claim 41

The Office Action states that Tarokh anticipates claim 41. Applicant respectfully disagrees. Tarokh does not disclose "wherein the third data packet is expected to be recovered at or before a time instant when the second data packet is expected to be recovered." In fact, the Office Action does not provide a cite to where in Tarokh this feature is found. Also, claim 41 depends on patentable claim 39 which depends on patentable claim 37 which depends on patentable claim 31. Therefore, claim 41 is patentable for the reasons given with respect to claim 31. Accordingly, Applicants request that the rejection of claim 41 be withdrawn because Tarokh does not disclose all of the features of this claim.

Claims 44 and 60

The Office Action states that Tarokh anticipates claims 44 and 60. Applicant respectfully disagrees. Paragraph [0059] discloses "to generate a channel quality measurement, which may bear on an overall signal-to-noise ratio for the link, taking into account channel conditions and/or signal-to-noise ratios for each receive path." It does not disclose "selecting a first rate for the

first parallel channel and a second rate for the second parallel channel based on the SINR estimates . . ." Also, Also, claim 44 depends on patentable claim 31. Therefore, claim 44 is patentable for the reasons given with respect to claim 31. Also, claim 60 depends on patentable claim 57. Therefore, claim 60 is patentable for the reasons given with respect to claim 57. Accordingly, Applicant requests that the rejection of claims 44 and 60 be withdrawn because Tarokh does not disclose all of the features of these claims.

Claim 45

Claim 45 depends on patentable claim 31. Therefore, claim 45 is patentable for the reasons given with respect to claim 31. Accordingly, Applicant requests that the rejection of claim 45 be withdrawn because Tarokh does not disclose all of the features of this claim.

Claims 47 and 53

The Office Action states that Tarokh anticipates claims 47 and 53. Applicant respectfully disagrees. To begin with, the Office Action does not point out where "a parallel channel with a highest likelihood of being recovered, among the plurality of parallel channels, is selected for recovery" is found in Tarokh as disclosed in claim 47. Also, the Office Action does not point out where "the predetermined order is selected based on likelihood of recovering the data packet on each of the plurality of parallel channels" is found in Tarokh as disclosed in claim 53.

Furthermore, the Office Action argues that "it is obvious to one of ordinary skill in the art that such system inherently have the highest likelihood of being recovered among the plurality of parallel channels." Applicant respectfully disagrees. To begin with "In relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art." see MPEP 2112 (IV). Here, the Office Action just makes a conclusory statement that the features of claims 47 and 53 are inherent. Thus, the Office Action has not met its burden of proof.

In addition, claim 47 depends on patentable claim 46, while claim 53 depends on claim 52 which depends on claim 46. Therefore, claims 47 and 53 are patentable for the reasons given

with respect to claim 46. Accordingly, Applicant requests that the rejection of claims 47 and 53 be withdrawn because Tarokh does not disclose all of the features of these claims.

Claims 48

The Office Action states that Tarokh anticipates claim 48. Applicant respectfully disagrees. To begin with, the Office Action does not point out where "a parallel channel that is last recovered furthest away in time from the current period, among the plurality of parallel channels, is selected for recovery" is found in Tarokh as disclosed in claim 48.

Furthermore, the Office Action argues that "it is obvious to one of ordinary skill in the art that such system inherently perform parallel channel that is last recovered furthest away in time from the current period, among the plurality of parallel channels, is selected for recovery." Applicant respectfully disagrees. To begin with "In relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art." see MPEP 2112 (IV). Here, the Office Action just makes a conclusory statement that the features of claims 47 and 53 are inherent. Thus, the Office Action has not met its burden of proof.

In addition, claim 48 depends on patentable claim 46. Therefore, claim 48 is patentable for the reasons given with respect to claim 46. Accordingly, Applicant requests that the rejection of claim 48 be withdrawn because Tarokh does not disclose all of the features of this claim.

Claim 49

The Office Action states that column 6, paragraph 0065 of Tarokh anticipates claim 49. Applicant respectfully disagrees. To begin with, the Office Action does not point out where "a parallel channel with a highest number of data symbol blocks in the current period, among the plurality of parallel channels, is selected for recovery" is found in Tarokh as disclosed in claim 49. In fact, column 6, paragraph 0065 of Tarokh is directed to transmitting symbols, not recovering symbols, "allocates the symbols for transmission." In addition, claim 49 depends on patentable claim 46. Therefore, claim 49 is patentable for the reasons given with respect to claim

46. Accordingly, Applicant requests that the rejection of claim 49 be withdrawn because Tarokh does not disclose all of the features of this claim.

Claims 50 and 52

Claims 50 and 52 depend on patentable claim 46. Therefore, claims 50 and 52 are patentable for the reasons given with respect to claim 46. Accordingly, Applicant requests that the rejection of claims 50 and 52 be withdrawn because Tarokh does not disclose all of the features of these claims.

Claims 51 and 54

Claim 51 depends on patentable claim 46. Claim 54 depends on claim 52 which depends on patentable claim 46. Therefore, claims 51 and 54 are patentable for the reasons given with respect to claim 46. Accordingly, Applicant requests that the rejection of claims 51 and 54 be withdrawn because Tarokh does not disclose all of the features of these claims.

Claim 55

The Office Action states that column 7, paragraph 0068 of Tarokh anticipates claim 55. Applicant respectfully disagrees. To begin with, the term "signal-to-noise-and-interference-ratio (SINR) is not even mentioned in paragraph [0068]. Furthermore, although paragraph [0059] of Tarokh discloses "to generate a channel quality measurement, which may bear on an overall signal-to-noise ratio for the link, taking into account channel conditions and/or signal-to-noise ratios for each receive path," it does not disclose "wherein the plurality of parallel channels have similar signal-to-noise-and-interference ratios (SINRs) after linear detection at a receiver" as disclosed in claim 55. In addition, claim 55 depends on patentable claim 46. Therefore, claim 55 is patentable for the reasons given with respect to claim 46. Accordingly, Applicant requests that the rejection of claim 55 be withdrawn because Tarokh does not disclose all of the features of this claim.

Claims 20 and 56

Claim 56 depends on patentable claim 46. Claim 20 depends on claim 19 which depends on patentable claim 1. Therefore, claims 51 and 54 are patentable for the reasons given with respect to claims 46 and 1 respectively. Accordingly, Applicant requests that the rejection of claims 51 and 54 be withdrawn because Tarokh does not disclose all of the features of these claims.

Claim 58

Claim 58 depends on patentable claim 57. Therefore, claim 58 is patentable for the reasons given with respect to claim 57. Accordingly, Applicant requests that the rejection of claim 58 be withdrawn because Tarokh does not disclose all of the features of this claim.

Claim 59

The Office Action states that Tarokh anticipates claim 59. Applicant respectfully disagrees. To begin with, the Office Action does not point out where "the spatial processor is operative to, if the first data packet is recovered, estimate interference due to the first data packet on the second data packet and cancel the interference due to the first data packet from symbol blocks received for the second data packet, and wherein the data processor is operative to decode all symbol blocks received for the second data packet, with the interference from the first data packet canceled, to obtain the second decoded packet." is found in Tarokh as disclosed in claim 59.

In addition, claim 59 depends on patentable claim 58 which depends on patentable claim 57. Therefore, claim 59 is patentable for the reasons given with respect to claim 57. Accordingly, Applicant requests that the rejection of claim 59 be withdrawn because Tarokh does not disclose all of the features of this claim.

Claim 62

Claim 62 depends on patentable claim 61. Therefore, claim 62 is patentable for the reasons given with respect to claim 61. Accordingly, Applicant requests that the rejection of claim 62 be withdrawn because Tarokh does not disclose all of the features of this claim.

Claims 2 and 22

The Office Action states that Tarokh anticipates claims 2 and 22. Applicant respectfully disagrees. To begin with, the Office Action does not point out where column 8, paragraphs 0084 – 0087 disclose "wherein total transmit power is distributed among data packets not yet terminated" as disclosed in claim 22. With respect to claim 2, although paragraph [0084] discloses "there may be a need for a third . . . retransmission," the Office Action does not point out where column 8, paragraphs 0084 – 0087 disclose "terminating transmission of the third plurality of symbol blocks early if the third data packet is recovered by the receiver with fewer than all of the third plurality of symbol blocks." In addition, claims 2 and 22 depend on patentable claim 1. Therefore, claims 2 and 22 are patentable for the reasons given with respect to claim 1.

It is not clear what the Office Action means when it states "as it teaches the same limitation as disclosed above" because the features of claims 2 and 22 are not disclosed in claim 1. Accordingly, Applicant requests that the rejection of claims 2 and 22 be withdrawn because Tarokh does not disclose all of the features of these claims.

Claim 4

The Office Action states that Tarokh anticipates claim 4. Applicant respectfully disagrees. To begin with, the Office Action does not point out where Tarokh discloses "transmitting no data packets on the first parallel channel until the second data packet is recovered" as disclosed in claim 4. Also, claim 4 depends on patentable claim 1. Therefore, claim 4 is patentable for the reasons given with respect to claim 1.

Also, it is not clear what the Office Action means when it states "as it teaches the same limitation as disclosed above, therefore respectively rejected under the same basis" because the feature "transmitting no data packets on the first parallel channel until the second data packet is recovered" is not disclosed in independent claim 1. Accordingly, Applicant requests that the rejection of claim 4 be withdrawn because Tarokh does not disclose all of the features of this claim.

Claims 5 and 10

The Office Action states that Tarokh anticipates claims 5 and 10. Applicant respectfully disagrees. Column 4, paragraphs 0046, 0049 and 0051 discloses a power amplifier (not shown) will amplify the modulated carrier signal to a level appropriate for transmission. However, the Office Action does not point out where column 4, paragraphs 0046, 0049 and 0051 disclose "wherein symbol blocks for the second data packet are transmitted at full transmit power after terminating transmission of the first plurality of symbol blocks for the first data packet" as disclosed in claim 5. With respect to claim 10, the Office Action does not point out where column 4, paragraphs 0046, 0049 and 0051 discloses "increasing transmit power for the third packet and reducing transmit power for the second packet at or after a time instant when the second data packet is expected to be recovered."

In addition, claim 5 depends on patentable claim 4 which depends on patentable claim 1. Claim 10 depends on patentable claim 6 which depends on patentable claim 1. Therefore, claims 5 and 10 are patentable for the reasons given with respect to claim 1. Accordingly, Applicant requests that the rejection of claims 5 and 10 be withdrawn because Tarokh does not disclose all of the features of these claims.

Claim 6

Claim 6 which depends on patentable claim 1. Therefore, claim 6 is patentable for the reasons given with respect to claim 1. Accordingly, Applicants request that the rejection of claim 8 be withdrawn because Tarokh does not disclose all of the features of this claim.

Claim 7

The Office Action states that Tarokh anticipates claim 7. Applicant respectfully disagrees. Although column 8, paragraph 0084 – 0087 of Tarokh discloses "there may be a need for third and fourth retransmissions", column 8, paragraph 0084 – 0087 of Tarokh does not disclose "wherein the third data packet is expected to be recovered by the receiver at or before a time instant when the second data packet is expected to be recovered" as disclosed in claim 7. Also, claim 7 depends on patentable claim 6 which depends on patentable claim 1. Therefore, claim 7 is patentable for the reasons given with respect to claim 1.

It is not clear what the Office Action means when it states "as it teaches the same limitation as disclosed above" because the feature "wherein the third data packet is expected to be recovered by the receiver at or before a time instant when the second data packet is expected to be recovered" is not disclosed in independent claim 1. Accordingly, Applicants request that the rejection of claim 8 be withdrawn because Tarokh does not disclose all of the features of this claim.

Claim 8

The Office Action states that Tarokh anticipates claim 8. Applicant respectfully disagrees. To begin with, the Office Action does not point out where Tarokh discloses "the third data packet is expected to be recovered by the receiver after a time instant when the second data packet is expected to be recovered" as disclosed in claim 8. Also, claim 8 depends on patentable claim 6 which depends on patentable claim 1. Therefore, claim 8 is patentable for the reasons given with respect to claim 1. Accordingly, Applicants request that the rejection of claim 8 be withdrawn because Tarokh does not disclose all of the features of this claim.

Claim 9

The Office Action states that Tarokh anticipates claim 9. Applicant respectfully disagrees. To begin with, the Office Action does not point out where Tarokh discloses "terminating transmission of the second plurality of symbol blocks after a predetermined number of symbol blocks" as disclosed in claim 9. Also, claim 9 depends on patentable claim 8 which depends on patentable claim 6 which depends on patentable claim 1. Therefore, claim 9 is patentable for the reasons given with respect to claim 1.

It is not clear what the Office Action means when it states "as it teaches the same limitation as disclosed above" because the feature "terminating transmission of the second plurality of symbol blocks after a predetermined number of symbol blocks" is not disclosed in independent claim 1.

Furthermore, the Office Action argues that "it is obvious to one of ordinary skill in the art that such system inherently transmit the second plurality of symbol blocks after a predetermined number of symbol blocks." Applicant respectfully disagrees. To begin with "In relying upon the

theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic <u>necessarily</u> flows from the teachings of the applied prior art." see MPEP 2112 (IV). Here, the Office Action just makes a conclusory statement that the features of claim 9 are inherent. Thus, the Office Action has not met its burden of proof.

Accordingly, Applicants request that the rejection of claim 9 be withdrawn because Tarokh does not disclose all of the features of this claim.

Claim 11

Claim 11 depends on patentable claim 1. Therefore, claim 11 is patentable for the reasons given with respect to claim 1. Accordingly, Applicants request that the rejection of claim 11 be withdrawn because Tarokh does not disclose all of the features of this claim.

Claim 12

The Office Action states that Tarokh anticipates claim 12. Applicant respectfully disagrees. To begin with, the Office Action does not point out where Tarokh discloses "receiving a first rate for the first parallel channel and a second rate for the second parallel channel, and wherein the first and second data packets are processed in accordance with the first and second rates, respectively" as disclosed in claim 12. Also, claim 12 depends on patentable claim 1. Therefore, claim 12 is patentable for the reasons given with respect to claim 1.

It is not clear what the Office Action means when it states "as disclosed in claim 1, which teaches the same limitation as disclosed above therefore respectively rejected under the same basis" because the term "rate" is not disclosed in claim 1. Accordingly, Applicants request that the rejection of claim 12 be withdrawn because Tarokh does not disclose all of the features of this claim.

Claim 13

Claim 13 depends on patentable claim 12 which depends on patentable claim 1. Therefore, claim 13 is patentable for the reasons given with respect to claim 1. Accordingly,

Applicant requests that the rejection of claim 13 be withdrawn because Tarokh does not disclose all of the features of this claim.

Claim 14

The Office Action states that Tarokh anticipates claim 14. Applicant respectfully disagrees. Column 4, paragraphs 0045 – 0046 of Tarokh does not disclose "wherein one symbol block in the first plurality of symbol blocks includes all systematic bits for the first data packet and is transmitted first for the first data packet" as disclosed in claim 14. In fact, one symbol block . . . including all systematic bits is not disclosed in Tarokh. Also, claim 14 depends on patentable claim 1. Therefore, claim 14 is patentable for the reasons given with respect to claim 1. Accordingly, Applicants request that the rejection of claim 14 be withdrawn because Tarokh does not disclose all of the features of this claim.

Claim 15

Claim 15 depends on patentable claim 1. Therefore, claim 15 is patentable for the reasons given with respect to claim 1. Accordingly, Applicants request that the rejection of claim 15 be withdrawn because Tarokh does not disclose all of the features of this claim.

Claim 16

The Office Action states that column 5, paragraph 0059 of Tarokh anticipates claim 16. Applicant respectfully disagrees. To begin with, the term "signal-to-noise-and-interference-ratio (SINR) is not even mentioned in paragraph [0059]. Furthermore, although paragraph [0059] of Tarokh discloses "to generate a channel quality measurement, which may bear on an overall signal-to-noise ratio for the link, taking into account channel conditions and/or signal-to-noise ratios for each receive path," it does not disclose "wherein the first and second parallel channels are formed so as to achieve similar signal-to-noise-and-interference ratios (SINRs) after linear detection at the receiver" as disclosed in claim 16. In addition, claim 16 depends on patentable claim 1. Therefore, claim 16 is patentable for the reasons given with respect to claim 1. Accordingly, Applicant requests that the rejection of claim 16 be withdrawn because Tarokh does not disclose all of the features of this claim.

Claim 17

Claim 17 depends on patentable claim 1. Therefore, claim 17 is patentable for the reasons given with respect to claim 1. Accordingly, Applicants request that the rejection of claim 17 be withdrawn because Tarokh does not disclose all of the features of this claim.

Claim 18

Claim 18 depends on patentable claim 1. Therefore, claim 18 is patentable for the reasons given with respect to claim 1. Accordingly, Applicants request that the rejection of claim 18 be withdrawn because Tarokh does not disclose all of the features of this claim.

Claims 19 and 21

Claims 19 and 21 depend on patentable claim 1. Therefore, claims 19 and 21 are patentable for the reasons given with respect to claim 1. Accordingly, Applicants request that the rejection of claims 19 and 21 be withdrawn because Tarokh does not disclose all of the features of this claim.

CONCLUSION

In view of the foregoing, Applicant respectfully submits that all pending claims in the present application are in a condition for allowance, which is earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.
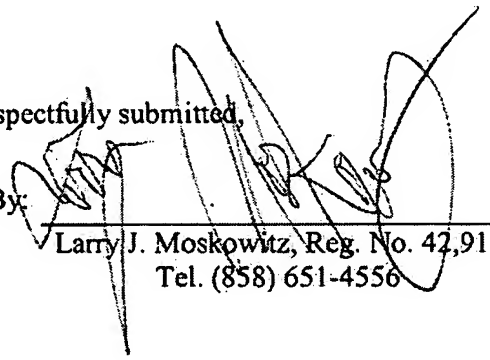
Applicants further would like to direct the Examiner's attention to co-pending Continuation Application No. 11/330,734.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

Dated: 3/4/09

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